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5 Attorney for Defendant RENE ALEJANDRO LACAPE

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 NORTH AMERICAN COMPANY FOR
LIFE AND HEALTH INSURANCE,

12 Plaintiff,

13 v.

14 MICHAEL L. PHILPOT, an individual,
15 VIRGINIA B. HIRSH, an individual,
JOHN B. BUYKENDALL, an individual,
16 RENE ALEJANDRO LACAPE, an
individual, C. RICHIE MCNAMEE, an
17 individual and HECTOR PAEZ VALDEZ,
an individual,

18 Defendants.
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CASE NO. 08 CV 0270 BEN NLS

DEFENDANT RENE ALEJANDRO
LACAPE'S JOINDER IN
DEFENDANT MICHAEL L.
PHILPOT'S MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM
OR, ALTERNATIVELY, MOTION
FOR A MORE DEFINITE
STATEMENT; AND DEMAND FOR
JURY TRIAL

DATE: July 21, 2008
TIME: 10:00 a.m.
CRTRM: 3
JUDGE: Roger T. Benitez

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22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 Defendant RENE ALEJANDRO LACAPE hereby joins in Defendant MICHAEL L.
24 PHILPOT's Motion to Dismiss for Failure to State a Claim Or, Alternatively, Motion for a

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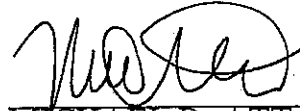
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1 More Definite Statement and Demand for Jury Trial on the grounds set forth therein.
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4 DATED: June 19, 2008

GOSHGARIAN & MARSHALL, PLC

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MICHAEL D. ATTAR
Attorney for Defendant,
RENE ALEJANDRO LACAPE

DEMAND FOR JURY TRIAL

Defendant RENE ALEJANDRO LACAPE hereby demands a trial by jury of all issues triable as of right to a jury.

DATED: June 19, 2008

GOSHGARIAN & MARSHALL, PLC



MICHAEL D. ATTAR
Attorney for Defendant,
RENE ALEJANDRO LACAPE

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am over the age of 18 years and employed in the County of Los Angeles, State of California. I am employed at the office of Goshgarian & Marshall, PLC, members of the Bar of the above-entitled court and made the service referred to below at their direction. My business address is 23901 Calabasas Road, Suite 2073, Calabasas, California 91302-1542.

On **June 19, 2008**, I served the foregoing document described as:

Defendant Rene Alejandro LaCape's Joinder in Defendant Michael L. Philpot's Motion to Dismiss for Failure To State a Claim or, Alternatively, Motion for a More Definite Statement; and Demand for Jury Trial

[x] **BY ELECTRONIC MAIL:** I electronically filed the following documents(s) with the Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to all other parties appearing on the docket sheet, as listed below.

Robert D. Phillips, Jr., Esq. Miles M. Cooley, Esq. Reed Smith, LLP 355 South Grand Avenue Suite 2900 Los Angeles, CA 90071-1514	(213) 457-8000 (213) 457-8080 - Fax rphillips@reedsmith.com mcooley@reedsmith.com	Attorney for Plaintiff: North American Company for Life and Health Insurance
Raymond A. Greenberg, Esq. Perry R. Fredgant, Esq. 1521 La Venta Road Westlake Village, CA 91361-3404	(805) 373-5260 (805) 494-8312 - Fax raylaw43@msn.com	Attorneys for Defendant: Virginia B. Hirsch
William B. Treitler, Esq. M. Andrew Schneider, Esq. Teitler & Hager, LLP 3737 Camino Del Rio South Suite 109 San Diego, CA 92108	(619) 283-1111 (619) 528-0746 - Fax btreitler@tahlaw.com aschneider@tahlaw.com	Attorneys for Defendant: Rene Alejandro Lacape

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **June 19, 2008**, at Los Angeles, California.


Sheree Marion